

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: * CASE NO. 09-60541
Charles Walter Thomas *
Bonita Thomas *
Debtor(s) * JUDGE RUSS KENDIG

NOTICE

The above named debtor(s) have filed papers with the court
To avoid certain lien(s) on real estate of the Debtor(s) in this
case.

Your rights may be affected. You should read these papers
carefully and discuss them with your attorney, if you have one in
this bankruptcy case. (If you do not have an attorney, you may
wish to consult one.

If you do not want the court to approve the motion, or if
you want the court to consider your views on the motion, then on
or before **May 21, 2009**, you or your attorney must:

File with the court a written request for a hearing or, if
the court requires a written response, an answer, explaining your
position at:

UNITED STATES BANKRUPTCY COURT
201 CLEVELAND AVE. SW
CANTON, OHIO 44702

If you mail your (request) (response) to the court for
filing, you must mail it early enough so the court will receive
it on or before the date stated above.

You must also mail a copy to:

1. ATTORNEY DOUGLAS L. THRUSH
13 PARK AVE. WEST STE. 314
MANSFIELD, OHIO 44902

2. TRUSTEE: TOBY L. ROSEN
400 W TUSCARAWAS ST 4TH FL
CHARER ONE BANK BLDG.
CANTON, OHIO 44702

3. UNITED STATES TRUSTEE
200 PUBLIC SQUARE, STE. 20-3300
CLEVELAND, OHIO 44114

If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may enter an order granting said motion.

Date: May 1, 2009

/s/Douglas L. Thrush
ATTORNEY DOUGLAS L. THRUSH
Bar No. 0009941
13 PARK AVE. WEST STE. 314
MANSFIELD, OHIO 44902
419-522-0004

In Re:	*	Chapter 13
	*	Case no. 09-60541
Charles Walter Thomas	*	
Bonita Thomas	*	JUDGE RUSS KENDIG
Debtor(s)	*	

1. On February 26, 2009 the Debtors commenced this bankruptcy case.
2. The subject property is located at 191 Redwood Rd., Mansfield, Ohio see attached description.
3. Charles and Bonita Thomas are the owner of subject Property pursuant to a deed recorded with the Richland County Recorder on 2/1/2006 Vol. 1611, page 0022, and instrument no. 200600001743.
4. The subject property has the following estimated market value:

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5. Real estate taxes and assessments on the subject property total \$1,267.70 per half. As the date of bankruptcy filing, delinquent taxes and assessments totaled \$0.00.

6. The following mortgage(s)/lien(s) have been perfected against the subject property, and the same appear in descending order of priority:

Creditor name:	Mortgage/Lien	Date filed	Balance owed at filing
<u>Deutsche Bank</u>	<u>Mortgage 1</u>	<u>2/1/2006</u>	<u>\$157,598.00</u>
<u>Mtg. Electronic</u>	<u>Mortgage 2</u>	<u>2/1/2006</u>	<u>\$39,000.00</u>
<u>Thompson Heating</u>	<u>jdgmnt lien</u>	<u>8/22/2003</u>	<u>\$2,600.00</u>

7. Based upon the information contained above, the value of the subject real property is not sufficient to secured the claims of the following creditor(s), the claims of the following creditor(s) should be treated as general unsecured claims, and the liens filed in relation to the same must be avoided:

Creditor name:	Claim number:	Amount Claim
<u>Mtg. Electronic</u>	<u>not filed</u>	<u>approx \$39,000.00</u>
<u>Thompson Heating</u>	<u>not filed</u>	<u>approx \$2,900.00</u>

NOW THEREFORE, the Debtor(s) respectfully request(s) that: 1) this Court finds that the lien(s) listed in section 7, above, are unsecured pursuant to 11 U.S.C. Section 1322, and/or the same impair the homestead exemption to which the Debtor(s) would be entitled pursuant to 11 U.S.C. Section 522; 2) that the Court order that the claim(s) of the creditor(s) listed in Section 7, above, be paid as general unsecured claims; and, 3) that the Court order the creditor(s) listed in section7 above, to release the corresponding lien(s) on the subject property upon completion of the plan payments by the Debtor(s) and the discharge of the Debtor(s) by the

Court in this case. 4) Further, moves the court for an order establishing the value of the real estate as being \$154,000.00.

/s/Douglas L. Thrush
Douglas L. Thrush, 0009941
Douglas L. Thrush, Co. LPA
13 Park Ave. W., Ste. 314

CERTIFICATE OF SERVICE

I, Douglas L. Thrush, hereby certify that the foregoing Motion was sent by regular US Mail, postage prepaid, this 1st day of May 2009 to the following individuals:

**Mr. & Mrs. Charles Thomas, 191 Redwood Rd., Mansfield, Ohio 44907.
Thompson Heating, 219 N River Rd NW, Warren, Ohio 44483.
Mortgage Electronic Reg., PO Box 7814, Ocala, FL 34478.**

I, Douglas L. Thrush, hereby certify that the foregoing Motion was electronically transmitted on or about May 1, 2009 to the following who are listed on the Court's Electronic Mail Notice List:

Toby L Rosen - lweir@chapter13cantan.com

**/s/Douglas L. Thrush
Douglas L. Thrush
Attorney For Debtors**

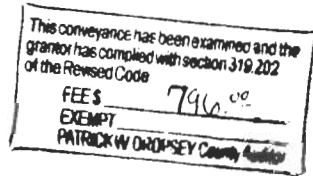
EXHIBIT "A"

O.R. 1611 PG. 0024

Situated in the City of Mansfield, County of Richland and State of Ohio: Know as being Lot Number Fourteen Thousand Two Hundred Twenty-Six (#14226) of consecutively numbered lots in the City of Mansfield,
Permanent Parcel #027-07-170-17-000

Property Address: 191 Redwood, Mansfield, OH 44907

Tax ID No.: 027-07-170-17-000



AB TRANSFERRED .50¢
PATRICK W. DROPSEY
COUNTY AUDITOR
2-1-06

TRANSFER APPROVED
RICHLAND COUNTY
TAX MAP
M.B. 2-1-06
INITIAL DATE

Order No.: 840050240

**General Inquiry**

New

Summary

Parties

Events

Dockets

Disposition

Costs

CERTIFICATE OF JUDGMENT - Summary

2003 CJ 54 270 THOMPSON HEATING & COOLING VS THOMAS, CHARLES W et al

CREDITOR(s)

THOMPSON HEATING & COOLING

DEBTOR(s)

THOMAS, CHARLES W

Attorney(s)

Full Name

Address

Attorney(s)

Full Name

Address

City/State/Zip

Phone

City/State/Zip

Phone

CPCCJ

CERTIFICATE OF JUDGMENT

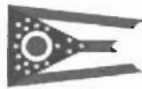
Case Attributes

Number 2003 CJ 54 270

Status OPEN

Filed 08/22/2003

Incomplete ☐



RICHLAND
SARAH M DAVIS, RECORDER

Tract Indexing:[Name](#)[Book/Page](#)[Instrument Number](#)**UCC Indexing:**[Name](#)[File Number](#)**Search Results For :**

Date: 04/01/1989 thru
06/06/2007

Search Name: THOMAS CHARLES W

Party: Grantor & Grantee

Registers:

Details	Inst Type	File Date	Time	Volume	Page	Inst No	Inst Date
Details	DEED	2/1/2006	02:25:00	1611	0022	2006 00001743	//
Details	MORTGAGE	2/1/2006	02:25:00	1611	0025	2006 00001744	//
Details	MORTGAGE	2/1/2006	02:25:00	1611	0042	2006 00001745	//
Details	ASSIGNMORT	10/30/2006	12:55:00	1701	0891	2006 00018927	0/0/0

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Richland

[Home](#) [Property Records](#)
[Owner Name](#) [Address](#) [Account](#) [Sales](#)
[Profile](#)[Sales](#)[Residential](#)[Commercial](#)[OBY](#)[Permits](#)[Land](#)[Photos](#)▶ [Current Values](#)[Det. Taxes 2006](#)[Det. Taxes 2005](#)[Sketch](#)[Map](#)**PARID: 0270717017000****JUR: 000****CITYNAME:
MANSFIELD****NBHD: 02707004****ROLL: RP_OH****THOMAS CHARLES W & BONITA A SURV
ETC****191 REDWOOD RD**[Retu](#)**Current Values (2006)**

Land 35%	\$7,570.00
Building 35%	\$53,450.00
Total 35%	\$61,020.00
Land 100%	\$21,630.00
Building 100%	\$152,720.00
CAUV 100%	\$0.00
Total 100%	\$174,350.00

[Propi](#)

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TO: TOBY L. ROSEN, CHAPTER 13 TRUSTEE
400 TUSCARAWAS ST. WEST, SUITE 400
CANTON, OHIO 44702

FROM: STANLEY L. BAUMBERGER, APPRAISER

RE: Charlie Walter & Bonita Thomas
CASE NUMBER: 09-60541

I, Stanley L. Baumberger, state that I have performed an appraisal of fair market value of the following real estate: 191 Redwood Rd., Mansfield, 44907, Richland County

Permanent Parcel Number: 0270717017000

Based upon my inspection of the property, the following is a description of said property: Single family, split level home, 43 years old, 7 Rms, 3 Bdrms, 2.5 baths, 2,168 SF living area, on 22,952 SF irregular shaped lot. Full basement, with 3 finished rooms and .75 bath, gas heat-partial AC, 2 fireplaces, 2 car garage, deck and patio. House in average-fair condition, needs several minor repairs, good neighborhood.

I have reviewed the following comparable sales in the area:


	ADDRESS	SALE DATE	SALE PRICE
1.	1155 Burkwood	2/08	\$149,000
2.	1196 Burkwood	9/07	\$155,000
3.	142 Sherbrook	10/07	\$154,500

The real estate tax value of the above property is \$174,350

The above debtor(s) purchased the property in the year 2/2006 for \$199,000. House was listed for sale at \$189,900

Based on the above, it is my opinion that the fair market value of the real estate is \$154,000

Inspected on 7/11/2008


Stanley L. Baumberger
111 Sturges Avenue
Mansfield, OH 44903
419-524-5500
419-524-7826 - fax